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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,210	03/21/2001	Jim Spelman	SJM-10002/15	2314

7590 10/21/2008
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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT	PAPER NUMBER
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3611

MAIL DATE	DELIVERY MODE
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10/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/814,210

Applicant(s)

SPELMAN, JIM

Examiner

Cassandra Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413):
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on May 27, 2008, PROSECUTION IS HEREBY REOPENED. New grounds of rejection as set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:



Paul Dickson
Acting Supervisory Examiner, Art Unit 3611

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guthrie, Australian Patent AU-A-25136/84 (AU 84 25136) in view of Dinstbir, U. S. Patent 3,237,330. Guthrie teaches a communication board comprising a support including a handle portion 14, a rigid planar display portion 12 having a first surface and a second oppositely facing surface. Guthrie also teaches a plurality of display sheets 17 rotatably secured to the top edge of the display portion utilizing rings 16 passing through holes 15, wherein each panel has a message printed thereon. The sheets are mounted so that a sheet may be rotated from a first position adjacent a first side of the display portions to a second position adjacent the opposite side of the display portion.

4. Guthrie does not teach a display mount at a specific location within the vehicle, whereby the handle may be readily engaged.

5. Dinstbir teaches a warning device for vehicles comprising a panel 10 and a post/handle 26 inserted into an opening in the boss 28 of the base member 31. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the handle of the device taught by Guthrie mounted in the base member as taught by Dinstbir to provide a means to selectively mount the device on the dashboard of a vehicle and to provide means of conveying information to passing motorists while allowing the driver to safely keep both hands on the steering wheel.

6. With respect to claim 2, Guthrie does not teach the sheet comprising a semi-rigid poster board material. However, the examiner takes OFFICIAL NOTICE that the use of semi-rigid poster board material is old and well known in the art and would have been

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obvious to use to provide more durable display sheets which would not tear or bend easily.

7. With respect to claim 3, Guthrie teaches the pivotally binding comprising a pair of ring 16 extending through proximate top edge display portion 12 opposite the handle.

8. With respect to claim 9, Guthrie teaches the handle and display portion made of plastic.

9. With respect to claim 10, since the applicant does not teach that having the sheet having a width of 12" and a height of 6" solves any stated problem or is for any particular purpose, it appears that construct the device of any suitable dimension would perform equally well.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guthrie in view of Dinstbir as applied to claim 1 above and in view of Johnston, U. S. Patent 2,915,849. Johnston teaches a holder comprising a support including a handle portion 45, a rigid planar display portion 12, and a plurality of display sheet 17 rotatably secured to the top edge of the display portion utilizing either a pair of rings 16 or spiral ring 14. The sheets are mounted so that a sheet may be rotated from a first position adjacent a first side of the display portions to a second position adjacent the opposite side of the display portion. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the communication board with rings taught by Guthrie with spiral rings as taught by Johnson as an alternate means to binding the sheets together that more securely retains each sheet.

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11. Claim 4 and 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guthrie in view of Dinstbir, U. S. Patent 3,237,330 as applied to claim 1 above and in further view of Morden, U. S. Patent 841,706. Morden teaches a ring binder comprising a first portion and a second movable portion **b** hinged to the first portion at **e**. Morden also teaches latch comprising a pin **f** engagable with detent **g**. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the ring taught by Guthrie with the ring taught by Morden to provide a means to selectively attached and remove the ring to the display portion.

12. Claims 11 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Guthrie, Australian Patent AU-A-25136/84 (AU 84 25136. Guthrie teaches a communication board comprising a support including a handle portion 14, a rigid planar display portion 12 having a first surface and a second oppositely facing surface. Guthrie also teaches a plurality of display sheets 17 rotatably secured to the top edge of the display portion utilizing rings 16 passing though holes 15, wherein each panel has a message printed thereon. The sheets are mounted so that a sheet may be rotated from a first position adjacent a first side of the display portions to a second position adjacent the opposite side of the display portion. Guthrie does not teach the sheet comprising a semi-rigid poster board material. However, the examiner takes OFFICIAL NOTICE that the use of semi-rigid poster board material is old and well known in the art and would have been obvious to use to provide more durable display sheets which would not tear or bend easily.

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Response to Arguments

13. Applicant's arguments with respect to claims 1, 11, and 12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cassandra Davis/
Primary Examiner
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CD